



## NOTICE OF MEETING

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993* that a **Meeting of Singleton Council** will be held in the **Council Chambers, Queen Street Singleton**, on **Tuesday 1 February 2022**, commencing after the Public Forum at **5.30PM**.

### **COVID-19 Notice**

It is advised that in accordance with advice from the NSW Government and in the interests of public health, the number of people able to attend the meeting in the Council Chambers is limited. Council Officials have the option to attend and participate in the Meeting via audio-visual link. Limited members of the public may be permitted to attend the Council Chambers upon request and approval by Council.

### **Emergency Evacuation - Council Chambers**

In case of an emergency, for example a fire, please evacuate the building via the marked exit doors (*Mayor points to the doors*). The order to evacuate may be signified by an alarm siren or by a Council officer or myself. Please proceed to the green "emergency assembly area" signs either near the cycleway on Queen Street (*Mayor points in direction of Queen Street*) or at the other side of the carpark towards the Gym & Swim (*Mayor points again*). An instruction to evacuate to a marked area should be followed without delay to assist Council in ensuring the Health and Safety of all staff and visitors.

### **Privacy/Webcasting**

In accordance with the NSW *Privacy & Personal Information Protection Act, 1998*, you are advised that all discussion held during the Open Council Meeting is public information. This will include any discussion involving the Mayor, a Councillor, staff member or a member of the public. All persons present or attending via audio-visual link should withhold from making public comments about another individual without seeking the consent of that individual in the first instance.

Please be aware that Council webcasts its Open Council Meetings via its website. All persons should refrain from making any remarks that could potentially be considered defamatory. Council accepts no liability for any defamatory remarks made during the course of the Council Meeting. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so.

### **General**

All persons present either in the Council Chambers or via audio-visual link are requested to turn their mobile devices to silent during the course of the Council Meeting.

Food and beverages are not permitted in the Council Chamber.

## AGENDA

PAGE

### Opening of Meeting

### Acknowledgement of Country

*I would like to begin by paying my respects to Elders past and present of the Wanaruah, Wonnarua people and acknowledge their custodianship of the land on which we are meeting today. I also pay my respects to all Aboriginal people from other nations that are here today and live in Wanaruah, Wonnarua country.*

### Apologies and applications for a leave of absence by Councillors

### Confirmation of Minutes

1. 15 November 2021

### Matters Arising from Minutes

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### Mayoral Minute(s)

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**Questions with Notice**

Jason Linnane  
**GENERAL MANAGER**

## MEETING PRINCIPLES

Council and Committee meetings should be:

- *Transparent:* Decisions are made in a way that is open and accountable.
- *Informed:* Decisions are made based on relevant, quality information.
- *Inclusive:* Decisions respect the diverse needs and interests of the local community.
- *Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- *Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- *Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- *Effective:* Meetings are well organised, effectively run and skilfully chaired.
- *Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

**PR1/22. Appreciation of Contribution to the Singleton  
Community**

**FILE: 21/00043**

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The Mayor and General Manager will present awards of appreciation to outgoing Councillors in recognition of their contribution to the Singleton community.

**GM1/22. Councillors Oath or Affirmation of Office****FILE:**  
18/00270/007**Executive Summary**

The purpose of this report is for all elected Councillors to take an oath of office or make an affirmation of office in accordance with section 233A of the *Local Government Act 1993*.

**RECOMMENDED** that all Councillors take an oath of office or make an affirmation of office before the General Manager as follows:

**Oath**

I [*name of Councillor*] swear that I will undertake the duties of the Office of Councillor in the best interests of the people of the Singleton Local Government Area and Singleton Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act, 1993* or any other Act to the best of my ability and judgement.

**Affirmation**

I [*name of Councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the Office of Councillor in the best interests of the people of the Singleton Local Government Area and Singleton Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act, 1993* or any other Act to the best of my ability and judgement.

**Report**

Under the *Local Government Act, 1993* Councillors are obliged to take an oath or affirmation of office at or before the first meeting of the Council after they are elected. In doing so, Councillors are required to swear or affirm that they will undertake the duties of the Office of Councillor in the best interests of the community and the Council and that they will faithfully and impartially carry out the functions to the best of their abilities.

The oath or affirmation of office operates as a mechanism for inducting Councillors into their role and reinforcing for them the seriousness of the responsibilities and duties that role entails.

Councillors are required to be physically present when the oath or affirmation is taken or made before the General Manager of the Council, an Australian Legal Practitioner or a Justice of the Peace.

A Councillor who fails, without a reasonable excuse, to take the oath or make an affirmation of office, will not be entitled to attend Council Meetings until they do so and will be taken to be absent without leave.

If a Councillor is absent without leave for three consecutive ordinary Council Meetings their office is automatically declared vacant and a by-election or countback must be held.

*General Manager's Report (Items Requiring Decision) - GM1/22*

Following the adoption of this recommendation, each Councillor will be called to take an oath of office or make an affirmation of office in accordance with section 233A of the *Local Government Act 1993*, which will be recorded in the minutes as having taken place.

### Community Strategic Plan

This report relates to the following strategies contained within the Community Strategic Plan:

#### Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

### Delivery Program/Operational Plan

Adoption of the recommendation will meet the following outcomes of Council's Delivery Program:

5.6.4 Meet Governance Compliance and Reporting Requirements.

### Council Policy/Legislation

The following legislation and Council documents are relevant:

- *Local Government Act, 1993*
- POL/1014 Code of Meeting Practice

### Financial Implications

Nil.

### Consultation/Social Implications

Councillors have been briefed on the requirement to take an oath or make an affirmation of office to enable them to attend Council Meetings.

### Environmental Consideration

Nil.

### Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Councillors will not understand the seriousness of their role in the Singleton Community which may	Medium	Adopt the recommendation	Low	Yes

## General Manager's Report (Items Requiring Decision) - GM1/22

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
lead to financial loss, adverse impacts on service delivery and damage to reputation.				
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> which may lead to fines and penalties and damage to reputation.	High	Adopt the recommendation	Low	Yes
There is a risk that Councillors will not be aware of the expectations in respect to behaviours and values which may lead to sub-optimal performance of the elected body and organisation.	Medium	Adopt the recommendation	Low	Yes

### Options

The following options are available to Council:

1. That Councillors elect to take an oath of office before the General Manager as required by the *Local Government Act, 1993*.
2. That Councillors elect to make an affirmation of office before the General Manager as required by the *Local Government Act, 1993*.

Options one and two are the only options available to Councillors.

### Conclusions

It is recommended that all Councillors take an oath or make an affirmation of office before the General Manager as required by the *Local Government Act, 1993*.

### Attachments

There are no attachments for this report.



**GM2/22. Council Meeting Dates and Times****FILE: 21/00144****Executive Summary**

The purpose of this report is for Council to consider scheduling arrangements for Ordinary Council Meetings for the coming term of Council.

**RECOMMENDED** that Ordinary Council Meetings be held on the third Tuesday of each month commencing at 5.30pm in the Council Chambers.

**Report**

Section 3.1 of the Code of Meeting Practice requires Council to set the frequency, time, date and place of its ordinary meetings by resolution.

The *Local Government Act, 1993* (the Act) requires Councils to meet at least 10 times each year, each time in a different month.

In previous years, Council has held ordinary meetings on the third Monday of each month commencing at 5.30pm.

Council considered a report on 2 August 2021 which outlined Council Meeting dates up to and including 1 February 2022. This report also advised that *“from the commencement of the new Council in 2022, it is proposed to hold all Ordinary Council Meetings and Councillor Briefings on a Tuesday evening. This proposed change will:*

- *Remove conflicts with public holidays that fall on a Monday;*
- *Allow for better time management for Councillors and staff in the lead up to Council Meetings; and*
- *Provide an additional day for staff to prepare responses for Councillors in relation to any questions they may have relating to Council Meeting Agenda items. This will enable more detailed responses and a reduced level of stress for staff.”*

Should Council resolve to continue with the proposed arrangements, following are the ordinary Council Meeting details to note for 2022:

<b>Date</b>	<b>Time</b>	<b>Place</b>
Tuesday, 15 February 2022	5.30pm	Council Chambers
Tuesday, 15 March 2022	5.30pm	Council Chambers
Tuesday, 19 April 2022	5.30pm	Council Chambers
Tuesday, 17 May 2022	5.30pm	Council Chambers
Tuesday, 21 June 2022	5.30pm	Council Chambers
Tuesday, 19 July 2022	5.30pm	Council Chambers
Tuesday, 16 August 2022	5.30pm	Council Chambers

## General Manager's Report (Items Requiring Decision) - GM2/22

Tuesday, 20 September 2022	5.30pm	Council Chambers
Tuesday, 18 October 2022	5.30pm	Council Chambers
Tuesday, 15 November 2022	5.30pm	Council Chambers
Tuesday, 20 December 2022	5.30pm	Council Chambers

### Community Strategic Plan

This report is relevant to the following strategies contained within Council's Community Strategy Plan:

#### Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

### Delivery Program/Operational Plan

This report is relevant to the following deliverables contained within Council's Delivery Program:

5.6.2 Administer the 2020 Local Government election for the Singleton LGA.

5.6.4 Meet Governance Compliance and Reporting Requirements.

5.6.5 The elected Council are informed, engaged and attuned to Community needs.

### Council Policy/Legislation

- *The Local Government Act, 1993*
- *The Local Government (General) Regulation, 2021*
- POL/1014.9 Code of Meeting Practice Policy

### Financial Implications

Nil.

### Consultation/Social Implications

Council's Executive Leadership team have considered and approved this approach and Councillors have been briefed on this matter.

### Environmental Consideration

Nil.

### Risk Implications

The following risks for Council are noted:

## General Manager's Report (Items Requiring Decision) - GM2/22

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Councillors will not have adequate time to ensure effective decision making which may lead to legal, service delivery, financial and reputational implications.	High	Adoption of the recommendation	Low	Yes
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> and <i>Local Government (General) Regulation 2021</i> which may lead to legal and reputational implications.	High	Adoption of the recommendation	Low	Yes
There is a risk that lack of time to provide meaningful responses to questions raised by Councillors may lead to unnecessary stress on staff and negative impacts on wellbeing.	High	Adoption of the recommendation	Low	Yes

### Options

The following options are available to Council:

1. Resolve that Ordinary Council Meetings be held on the third Tuesday of each month commencing at 5.30pm in the Council Chambers.
2. Resolve to schedule alternate meeting dates and times for the term that ensure Council will still meet legislative requirements.

Option one is recommended.

### Conclusions

To ensure that Council meets the requirements of the *Local Government Act, 1993* and to achieve appropriate timing for Council Meetings, it is recommended that Council endorse the scheduling arrangements for Ordinary Council Meetings for the current term.

### Attachments

There are no attachments for this report.

**GM3/22. Countback to Fill Casual Vacancies****FILE:**  
18/00270/007**Executive Summary**

The purpose of this report is for Council to consider using a countback of votes to fill casual vacancies that may occur in the office of Councillors in the first 18 months after the ordinary election held on 4 December 2021.

**RECOMMENDED** that:

1. Pursuant to section 291A(1)(b) of the *Local Government Act, 1993* (the Act) Singleton Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.
2. The General Manager notify the NSW Electoral Commissioner of the Council's decision within seven (7) days of the decision.

**Report**

Following the 2021 Local Government elections, Council has, for the first time, the option of using a countback of votes cast at the ordinary election to fill casual vacancies occurring in the office of councillors in the first 18 months after the election.

This will allow Council to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, Council must resolve, at the first meeting after the election, to use a countback to fill casual vacancies.

If Council does not resolve this at the first meeting after the election, a by-election will be required to fill any casual vacancies.

Should Council resolve to fill any casual vacancies using a countback in the first 18 months, the General Manager is required under the *Local Government (General) Regulation 2021* (the Regulation) to notify the election manager of the Council's ordinary election of the Council's resolution within 7 days of the resolution. The election manager for Singleton Council is the NSW Electoral Commissioner.

Information on the process for countback elections can be found on the NSW Electoral Commission website at <https://www.elections.nsw.gov.au/Elections/How-voting-works/Voting-in-New-South-Wales/Countback-elections>.

In addition to the above it is noted that should a casual vacancy occur in the office of councillors within the 18 months before the date specified for the next ordinary election Council may apply to the Minister to order that the vacancy not be filled.

## Community Strategic Plan

This report relates to the following strategies contained within the Community Strategic Plan:

### Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

## Delivery Program/Operational Plan

Adoption of the recommendation will meet the following outcomes of Council's Delivery Program:

5.6.4 Meet Governance Compliance and Reporting Requirements.

## Council Policy/Legislation

This report has been prepared in accordance with Section 291A of the *Local Government Act, 1993* which outlines the provisions for a countback to be held instead of a by-election in certain circumstances.

## Financial Implications

Supporting the recommendation to allow Council to use a countback to fill any casual vacancies that may occur within the first 18 months after the election will have a significant financial saving should it be required.

By-elections are not budgeted for and can cost in the order of \$80,000 which would have a substantial adverse impact on Council's budget.

## Consultation/Social Implications

Councillors have been provided with a briefing to outline the options in this report.

## Environmental Consideration

Nil.

## Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> which may lead	High	Adopt the recommendation	Low	Yes

## General Manager's Report (Items Requiring Decision) - GM3/22

<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatments</b>	<b>Proposed Risk Ranking</b>	<b>Within Existing Resources?</b>
to financial loss, delays in service delivery and damage to reputation.				
There is a risk that Council will be required to hold a by-election within 18 months of the last election which may lead to financial loss and rework.	High	Adopt the recommendation	Low	No

### Options

The following options are available to Council:

1. Resolve that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and that the General Manager notify the NSW Electoral Commissioner of the Council's decision within seven (7) days of the decision.
2. Resolve that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by carrying out a by-election.

Option one is recommended.

### Conclusions

It is recommended that Council resolve to use a countback of votes to fill casual vacancies that may occur in the offices of Councillors in the first 18 months after the ordinary election held on 4 December 2021.

### Attachments

There are no attachments for this report.

**GM4/22. Election of Deputy Mayor****FILE: 21/00170****Executive Summary**

The purpose of this report is for Council to elect a Deputy Mayor for the period 1 February 2022 until the day of the next ordinary election for Singleton Council in September 2024. The Deputy Mayor assumes all duties and powers of the Mayor in the Mayor's absence. The *Local Government (General) Regulation, 2021* (the Regulation) outlines the process to be undertaken in electing a Deputy Mayor and this report details that process.

**RECOMMENDED** that Council:

1. Elect a Deputy Mayor for the period 1 February 2022 until the day of the next ordinary election for Singleton Council in September 2024.
2. Determine whether the method of election for the Deputy Mayor be by open voting, ordinary ballot or preferential ballot.
3. Proceed to conduct the election of Deputy Mayor in accordance with the determined method and the requirements of the *Local Government (General) Regulation, 2021*.

**Report**

Section 231 of the *Local Government Act, 1993* (the Act) provides for Councillors to elect a person from among their number to be the Deputy Mayor. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of Mayor.

The Deputy Mayor may be elected for the mayoral term or a shorter term and holds office for the term specified by the Council resolution. It is also noted that Council is not required under the Act to have a Deputy Mayor.

Under normal circumstances, the term of Council is for a period of four (4) years and the Deputy Mayor would be appointed for a term of two (2) years, unless a casual vacancy occurs. The postponement of the ordinary council elections to 4 December 2021 has resulted in a substantially shorter term for this Council. It is therefore recommended that the Deputy Mayor be appointed for the period until the day of the next ordinary election for Singleton Council in September 2024.

Clause 394 of the Regulation stipulates that 'if a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7'. The General Manager (or a person appointed by the General Manager) will act as the Returning Officer for the election.

A Deputy Mayor Nomination Form has been circulated to Councillors.

*General Manager's Report (Items Requiring Decision) - GM4/22*

If more than one Councillor is nominated, Council must resolve whether the election is to proceed by open voting, ordinary ballot or preferential ballot. Ballot has its normal meaning of secret ballot and open voting means voting by show of hands or similar means. Councillors need to be present at the meeting in person to participate in voting by means other than an open voting.

Open voting is the most transparent method of voting, is the least bureaucratic method and reflects normal Council voting methods. It is recommended that, should an election be required, it be carried out by open voting.

A copy of the Office of Local Government's Fact Sheet is shown as **Attachment 1** to assist with the Deputy Mayor election in accordance with the requirements of Schedule 7.

**Community Strategic Plan**

Adoption of the recommendation will have no implications on the Community Strategic Plan.

**Delivery Program/Operational Plan**

Adoption of the recommendation will have no implications on the Delivery Program or Operational Plan.

**Council Policy/Legislation**

- *Local Government Act, 1993*
- *Local Government (General) Regulation, 2021*
- POL/1011 Code of Conduct
- POL/1014 Code of Meeting Practice

**Financial Implications**

Nil.

**Consultation/Social Implications**

Councillors have been briefed on the process for the election of Deputy Mayor in accordance with Schedule 7 of the *Local Government (General) Regulation, 2005* and have been provided with a nomination form.

**Environmental Consideration**

Nil.



## Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not comply with the Regulations which may lead to legal action and damage to reputation.	Medium	Adopt the recommendation	Low	Yes

## Options

The following options are available to Council:

1. Resolve to elect a Deputy Mayor for the period until the day of the next ordinary election for Singleton Council in September 2024 and the method of election be by open voting.
2. Resolve to elect a Deputy Mayor for the period until the day of the next ordinary election for Singleton Council in September 2024 and the method of election be by ordinary ballot.
3. Resolve to elect a Deputy Mayor for the period until the day of the next ordinary election for Singleton Council in September 2024 and the method of election be by preferential ballot.
4. Resolve to elect a Deputy Mayor for a shorter period of time and determine the method of voting.

Option one is recommended.

## Conclusions

It is recommended that Council resolve to elect a Deputy Mayor for the period until September 2024 and that the election be held by open voting.

## Attachments

**AT-1** [↓](#) Office of Local Government - Mayoral Elections - Fact Sheet

## Fact Sheet

# ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



## Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

## How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

## Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

## Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

## Procedures

### Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

*As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.*

*In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.*

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

### At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

*As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.*

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.











**GM5/22. Determination of Committees, Advisory Groups and Appointment of Delegates****FILE: 21/00077****Executive Summary**

The purpose of this report is to appoint Councillors to the various Committees and organisations and consider the term of these appointments.

**RECOMMENDED** that by show of hands, Councillors be appointed to the following various Committees and organisations for the period until the ordinary Council Meeting to be held in September 2023:

<b>Committee</b>	<b>Delegate/s</b>	<b>Alternate</b>
<b><i>Section 355 Committees</i></b>		
Australia Day Committee (1)/alt		
Singleton Sports Council (2)		-
<b><i>Council Committees</i></b>		
Audit, Risk & Improvement Committee (1)		-
Complaints Review Panel Committee (2)		-
Floodplain Management Committee (3)		-
General Managers Performance Review Panel (Mayor & 1 & 1 appointed by GM)		-
Local Traffic Committee (1)		-
Mount Thorley Warkworth VPA Community Committee (Mayor)	Mayor	-
Roads Committee (Mayor & 2)		-
Singleton Aboriginal Reconciliation Committee (2)		-
Singleton Arts & Culture Advisory Group (2)		-
Singleton and District Disability Advisory Committee (2)		-
Singleton Community Economic Development Fund Joint Management Board (Mayor & 2)		-
Singleton Heritage Advisory Committee (1)		-
Singleton Interagency Committee (1)/alt		
Sustainability Advisory Committee (2)		-
United Wambo VPA Community Committee (1)		-
Wambo Coal Singleton Hall of Fame Committee (2)		-
Weeds Advisory Committee (1)/alt		
<b><i>External Organisations</i></b>		
Arts Upper Hunter Inc. (1)		-
Combined Rural Halls Committee (1)		-
Hunter Joint Organisation (The Mayor & GM)	Mayor & General	-



## General Manager's Report (Items Requiring Decision) - GM5/22

	Manager	
Hunter Resource Recovery (GM & DI&P)	General Manager & Director Infrastructure & Planning	-
Hunter Valley Wine & Tourism Alliance (The Mayor & GM)	Mayor & General Manager	-
Regional Planning Panel (2)/2alt		
Local Health Advisory Committee (1)		-
Public Libraries NSW Council (1)/alt		
Hunter Valley Bush Fire Management Committee (1)		-
NSW Rural Fire Service Singleton Council Service Level Agreement District Liaison Committee (The Mayor)/alt	Mayor	
Upper Hunter Air Quality Monitoring Network (1)/alt		
Upper Hunter County Councils – UHWA Committee (2)		-
<b>Community Consultative Committees</b>		
AGL CCC (Appointment by State Government) (1)	Director Infrastructure & Planning	-
Ashton Mine CCC (1)		-
Bulga/Beltana Mine CCC (1)		-
Food Processing CCC (1)		-
Hunter Valley Operations CCC (1)		-
Liddell Coal Operations CCC (1)		-
Mt Owen Complex (1)		-
Mt Thorley/Warkworth (1)		-
Ravensworth Mine CCC (1)		-
Rix's Creek CCC (1)		-
Wambo Coal CCC (1)		-
Bowmans Creek Wind Farm CCC (1)		-
Redbank Power Station CCC (1)		-

## Report

Council supports a number of committees including Section 355 Committees, Council Committees, External Organisations and Community Consultative Committees.

Committees or Advisory Bodies comprise elected members, staff and community representatives. These Committees are generally established in accordance with Section 355 of the *Local Government Act, 1993* and/or have been granted individual delegation of authority by the Council in accordance with Section 377 of the *Local Government Act, 1993*.

*General Manager's Report (Items Requiring Decision) - GM5/22*

Under section 355 of the *Local Government Act 1993*, Council can delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee or board of management.

Community involvement in managing community facilities provides better outcomes for locals whilst engaging and including local people, both new and existing residents, and providing an opportunity to participate in local community life.

Committees provide a mechanism by which interested persons can have an active role in the provision/ management of Council facilities or services. This provides a twofold benefit by giving protection to the committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions. Memberships consist of Councillor and community representatives.

A key section of the *Local Government Act 1993* relevant to the delegation of authority by Council to Committees is Section 377. Section 377 provides that certain functions may be delegated to a committee and outlines which activities Council cannot delegate.

Committees provide forums for Singleton Council to discuss and establish policy direction related to the committee's purpose and make recommendations to ordinary meetings of Council. Each Committee has its own Terms of Reference.

Below is a list of current committees and the number of delegates required:

**Section 355 Committees**

- Australia Day Committee (1)/alt
- Singleton Sports Council (2)

**Committees of Council**

- Audit, Risk & Improvement Committee (1)
- Complaints Review Panel Committee (2)
- Floodplain Management Committee (3)
- General Managers Performance Review Panel (Mayor & 1 & 1 appointed by General Manager)
- Local Traffic Committee (1)
- Mount Thorley Warkworth VPA Community Committee (Mayor)
- Roads Committee (Mayor & 2)
- Singleton Aboriginal Reconciliation Committee (2)
- Singleton Arts & Culture Advisory Group (2)
- Singleton and District Disability Advisory Committee (2)
- Singleton Community Economic Development Fund Joint Management Board (Mayor & 2)
- Singleton Heritage Advisory Committee (1)
- Singleton Interagency Committee (1)/alt
- Sustainability Advisory Committee (2)
- United Wambo VPA Community Committee (1)
- Wambo Coal Singleton Hall of Fame Committee (2)
- Weeds Advisory Committee (1)/alt

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*General Manager's Report (Items Requiring Decision) - GM5/22***External Organisations**

- Arts Upper Hunter Inc. (1)
- Combined Rural Halls Committee (1)
- Hunter Joint Organisation (The Mayor & General Manager)
- Hunter Resource Recovery (General Manager & Director Infrastructure & Planning)
- Hunter Valley Wine & Tourism Alliance (The Mayor & General Manager)
- Regional Planning Panel (2)/2alt
- Local Health Advisory Committee (1)
- Public Libraries NSW Council (1)/alt
- Hunter Valley Bush Fire Management Committee (1)
- NSW Rural Fire Service Singleton Council Service Level Agreement District Liaison Committee (The Mayor)/alt
- Upper Hunter Air Quality Monitoring Network (1)/alt
- Upper Hunter County Councils – UHWA Committee (2)

**Community Consultative Committees**

- AGL CCC (Appointment by State Government) (1)
- Ashton Mine CCC (1)
- Bulga/Beltana Mine CCC (1)
- Food Processing CCC (1)
- Hunter Valley Operations CCC (1)
- Liddell Coal Operations CCC (1)
- Mt Owen Complex (1)
- Mt Thorley/Warkworth (1)
- Ravensworth Mine CCC (1)
- Rix's Creek CCC (1)
- Wambo Coal CCC (1)
- Bowmans Creek Wind Farm CCC (1)
- Redbank Power Station CCC (1)

Councillors have been invited to nominate for Committees. Where more than the required number of nominations have been received a vote will be undertaken by open voting (show of hands) as per Clause 11.9 of the Code of Meeting Practice. The nomination and election process is shown in **Attachment 1**.

**Discontinued Committees**

Council resolved on 15 February 2021 to cease being a member of the Association of Mining & Energy Related Councils (NSW) Inc and therefore consideration of delegates for this committee is no longer required and it has been removed from the list of committees.

**Community Strategic Plan**

This report relates to the following strategies contained within the Community Strategic Plan:

**Our Leadership**

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

## Delivery Program/Operational Plan

Adoption of the recommendation will meet the following outcomes of Council's Delivery Program:

5.6.5 The elected Council are informed, engaged and attuned to Community needs.

## Council Policy/Legislation

The following legislation and Council documents are relevant:

- *Local Government Act, 1993*
- POL/1011 Code of Conduct
- POL/1014 Code of Meeting Practice
- POL/1016 Interactions Between Councillors & Staff Policy
- Council Committees Procedure

## Financial Implications

Nil.

## Consultation/Social Implications

Councillors have been briefed on the requirement for appropriate representation on Committees to provide a mechanism for consultation with the community and relevant bodies and have also been provided with relevant Committee information and a Committee Nomination Form.

The Council Committees Procedure along with Terms of Reference for all Council Committees are available for Councillor's information on the Councillor Hub.

## Environmental Consideration

Nil.

## Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not adequately represent and advocate for the Singleton Community which may lead to loss of financial opportunities and damage to reputation.	Medium	Adopt the recommendation	Low	Yes

## General Manager's Report (Items Requiring Decision) - GM5/22

<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatments</b>	<b>Proposed Risk Ranking</b>	<b>Within Existing Resources?</b>
There is a risk that Council will not have the required representation on committees which may lead to ineffective or inoperative committees and reputational damage.	Medium	Adopt the recommendation	Low	Yes
There is a risk that Council will have too many Councillors nominating for committees which may lead to reputational damage.	Medium	Adopt the recommendation	Low	Yes

### Options

The following options are available to Council:

1. Appoint Councillors to the various committees and organisations for the period concluding September 2023.
2. Not appoint Councillors to some or all of the committees and organisations for the period concluding September 2023.

Option one is recommended.

### Conclusions

It is recommended that Councillors be appointed to the various committees and organisations until the ordinary Council Meeting in September 2023.

### Attachments

**AT-1** [↓](#) Process Map - Governance - Councillor Nomination & Election to Committees



**GM6/22. Review of Delegations of Authority - Mayor, Deputy Mayor and Section 355 Committees****FILE:**  
21/00651/003

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**Executive Summary**

The purpose of this report is to consider and adopt delegations for the Mayor, Deputy Mayor and Section 355 Committees in accordance with Section 377 of the *Local Government Act 1993* (the Act). Section 380 of the Act requires that a review of delegations be carried out during the first 12 months of each new Council.

**RECOMMENDED** that Council issue the following delegations:

**Mayor**

1. All previous delegations of Functions to the Mayor be revoked.
2. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
  - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
  - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
3. The Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
  - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
  - To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Mayor should represent the Council's position.
  - To represent and promote Council in the community.
  - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
  - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
  - Authority to approve the General Manager's applications for leave.
  - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. The requirements of the relevant legislation;

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*General Manager's Report (Items Requiring Decision) - GM6/22*

- b. Any conditions or limitations specified; and
  - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

**Deputy Mayor**

1. All previous delegations of Functions to the Deputy Mayor be revoked.
  2. The Deputy Mayor may only exercise these functions:
    - a. At the request of the Mayor; or
    - b. If the Mayor is prevented by illness, absence or otherwise from exercising these Functions; or
    - c. If there is a casual vacancy in the office of Mayor.
  3. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Deputy Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
    - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
    - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
  4. The Deputy Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
    - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
    - To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Deputy Mayor should represent the Council's position.
    - To represent and promote Council in the community.
    - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
    - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
    - Authority to approve the General Manager's applications for leave.
    - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.
  5. These delegations and authorities are subject to, and are to be exercised in accordance with:
    - a. The requirements of the relevant legislation;
-



*General Manager's Report (Items Requiring Decision) - GM6/22*

- b. Any conditions or limitations specified; and
  - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

**Section 355 Committees**

1. All previous delegations of Functions to section 355 Committees be revoked.
2. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate authority to exercise and/or perform on behalf of the Council the Council's functions to section 355 Committees as set out in Schedules 1 and 2 below.
3. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. The requirements of the relevant legislation;
  - b. Any conditions or limitations specified; and
  - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
4. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

**Schedule 1  
Australia Day Committee**

In respect of the Council function in the provision and undertaking of activities appropriate to celebrating Australia Day, the Singleton Australia Day Committee is a body set up under Section 355 of the *Local Government Act, 1993* with the functions set out hereunder delegated by Council in accordance with Section 377 of the *Local Government Act, 1993*.

1. To facilitate, organise and carry out, within approved budget limits, appropriate activities and events to recognise Australia Day.
2. To invite nominations and selection of annual recipients of the "Citizen of the Year" and "Young Achiever of the Year" Awards.
3. To advise Council on initiatives for properly recognising Australia Day.

**Schedule 2  
Singleton Sports Council Committee**

In respect of the Council function of the provision of sporting services, the Singleton Sports Council is a body set up under Section 355 of the *Local Government Act, 1993* with the functions set out hereunder delegated by Council in accordance with Section 377 of the *Local Government Act, 1993*:

1. To initiate increased communication between the sporting public and Singleton

*General Manager's Report (Items Requiring Decision) - GM6/22*

Council in order that the existing and future needs and requirements of those participating and those administering sports are accurately identified and brought to the attention of Singleton Council.

2. To identify for the appropriate organisation, those areas that may be suitable for sporting and recreational development. This identification could take place in respect of existing needs, but perhaps the greatest value would be in the identification of sites in relation to a future demand.
3. To co-operate with Singleton Council to ensure that sporting and recreational facilities are provided and maintained at an agreed standard.
4. In co-operation with Singleton Council, Government Departments and other bodies/organisations, to ensure that wherever possible optimum use is made of existing facilities.
5. To recommend to Singleton Council priorities in respect of development projects which may be competing for funds.
6. To assist with the promotion of local sporting events.
7. To endeavour to co-operate with other agencies in order to keep the community fully informed of those facilities and clubs that exist within the Local Government Area.
8. To make recommendations to Singleton Council on all winter and summer allocations of sporting facilities.
9. To make recommendations to Singleton Council from time to time of fees and charges for the use of sporting facilities.
10. To raise funds from any sources whatsoever to further the objectives of the Sports Council.
11. To promote and acknowledge the Sports Persons of the Year.

**Report**

Councils have certain functions and duties which they must perform, and certain powers which they may exercise, pursuant to the Act as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body. It is not practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/bodies to undertake these steps on its behalf. Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of the Council.

Pursuant to section 377 of the Act, Council may delegate any of its functions (other than those specified in section 377(1)) to the General Manager or any other person or body.

*General Manager's Report (Items Requiring Decision) - GM6/22*

However, Council cannot delegate directly to another employee of the Council this may only be carried out by the General Manager.

In respect of delegations to Section 355 Committees of Council it is quite clear that the Council is providing an avenue for those Committees to undertake certain functions on behalf of Council. Likewise, the delegations to the General Manager, which are included in a separate report, make it clear that the Council is delegating certain functions to the General Manager by Section 377 of the Act.

Section 380 of the *Local Government Act, 1993* requires Council to review its delegations during the first 12 months of each new Council term. Council may however review its delegations at any time (or a number of times) during its term as it deems warranted.

Council previously adopted delegations for the Mayor, Deputy Mayor and Section 355 Committees on 26 September 2016, following the last Local Government Election.

The proposed Delegations for the Mayor, Deputy Mayor and Section 355 Committees are detailed in **Attachment 1**.

### **Community Strategic Plan**

This report is relevant to the following strategies contained within Council's Community Strategic Plan:

#### **Our Leadership**

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

### **Delivery Program/Operational Plan**

This report is relevant to the following deliverables contained within Council's Delivery Program:

5.6.4 Meet Governance Compliance and Reporting Requirements.

Effectively, the granting of delegations by Council to the Mayor, Deputy Mayor and Section 355 Committees enables those persons and committees to have the ability to ensure the delivery of the goals and objectives established in Council's Delivery Program and Operational Plan.

### **Council Policy/Legislation**

The appropriate sections of the *Local Government Act, 1993 (NSW)* that apply in this matter have been reproduced in **Attachment 2**.

### **Financial Implications**

The granting of Delegations to the Mayor, Deputy Mayor and Section 355 Committees of Council provides for an opportunity for the services of Council to be delivered in an effective and efficient manner, thus ensuring maximum utilisation of Council's financial resources.

### Consultation/Social Implications

Consultation with the public is not required in this matter as the delegations by the Council to the Mayor, Deputy Mayor and Section 355 Committees of Council are a matter for the elected Council.

Councillors have been briefed in relation to this matter prior to consideration by Council.

Council's delegations are made publicly available under the *Government Information (Public Access) Act, 2009*.

### Environmental Consideration

Nil.

### Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> which may lead to legal, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will implement ineffective delegations which may lead to legal, service delivery, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will delegate no functions which may lead to service delivery implications and reputational damage.	Medium	Adopt the recommendation	Low	Yes

### Options

The following options are available to Council:

1. Adopt the recommendations as contained within this report; or

*General Manager's Report (Items Requiring Decision) - GM6/22*

2. Adopt the delegations to the Mayor, Deputy Mayor and Section 355 Committees of Council as presented with minor amendments.
3. Resolve not to delegate any functions to the Mayor, Deputy Mayor and Section 355 Committees.

Option one is recommended.

**Conclusions**

Detailed within **Attachment 1** and the recommendation to this report are the proposed delegations to the Mayor, Deputy Mayor and Section 355 Committees of Council. The report recommends that Delegations as listed be issued to the respective persons and committees, thus enabling the efficient and effective delivery of services to the community on behalf of Council.

**Attachments**

- AT-1** [↓](#) Draft Delegations - Mayor - Deputy Mayor - Sec 355  
Committees - 01/02/2022
- AT-2** [↓](#) Local Government Act - Delegations

















**GM7/22. Review of Delegation of Authority to the General Manager****FILE:**  
21/00651/003

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**Executive Summary**

The purpose of this report is to consider and adopt delegations for the General Manager in accordance with Section 377 of the *Local Government Act 1993* (the Act). Section 380 of the Act requires that a review of delegations be carried out during the first 12 months of each new Council.

**RECOMMENDED** that:

1. All previous delegations of Functions to the General Manager be revoked.
2. The person who from time to time holds the position of General Manager of Council (General Manager) be delegated authority under section 377 of the *Local Government Act, 1993*, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
  - a. Subject to the following conditions and limitations:
    - i. Determination of Development Applications that are required to be reported to the elected Council in accordance with the Determination of Development Applications by Council Policy.
    - ii. The writing off of bad debts greater than \$5,000 in accordance with clause 131(1) of the *Local Government (General) Regulation, 2021*.
    - iii. Authorise and accept tenders in accordance with the limitations set out in the Tender Determination Criteria and to the limit of \$1 million ex GST.
  - b. Excluding those Functions:
    - i. That are expressly prohibited from delegation as listed under section 377 of the *Local Government Act, 1993*.
    - ii. Which are expressly required by legislation to be exercised by a resolution of Council.
3. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the *Local Government Act, 1993*.
4. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

*General Manager's Report (Items Requiring Decision) - GM7/22*

5. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. The requirements of the relevant legislation;
  - b. Any conditions of limitations set out above; and
  - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of Council.
7. The Mayor be authorised to sign the Instrument of Delegation to General Manager on behalf of Council.

**Report**

Councils have certain functions and duties which they must perform, and certain powers which they may exercise, pursuant to the Act as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body. It is not practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/bodies to undertake these steps on its behalf. Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of the Council.

Pursuant to section 377 of the Act, Council may delegate any of its functions (other than those specified in section 377(1)) to the General Manager or any other person or body (detailed in **Attachment 1**). However, Council cannot delegate directly to another employee of the Council.

Section 380 of the *Local Government Act, 1993* requires Council to review its delegations during the first 12 months of each new Council term. Council may however review its delegations at any time (or a number of times) during its term as it deems warranted.

The General Manager, in accordance with Section 378 of the Act, can delegate any of their functions, other than the power of delegation, to any other person or body, including another employee of Council.

Council previously adopted delegations for the General Manager on 15 March 2021 at which time they were amended to include updated tendering delegations following the introduction of the *Local Government Amendment Bill 2016*. It is proposed to make no change to the delegations at this time. A copy of the 15 March 2021 report is shown as **Attachment 2**.

Council considers the appointment of an Acting General Manager by resolution quarterly and this matter will be considered next by Council at its meeting of 15 March 2022.

## Community Strategic Plan

This report is relevant to the following strategies contained within Council's Community Strategic Plan:

### Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

## Delivery Program/Operational Plan

This report is relevant to the following deliverables contained within Council's Delivery Program:

5.6.4 Meet Governance Compliance and Reporting Requirements.

Effectively, the granting of delegations by Council to the General Manager enables staff to have the ability to ensure the delivery of the goals and objectives established in Council's Delivery Program and Operational Plan.

## Council Policy/Legislation

The appropriate sections of the *Local Government Act, 1993 (NSW)* and *Local Government (General) Regulation, 2021* that apply in this matter have been reproduced in **Attachment 1**.

The Tender Determination Criteria is included in **Attachment 2**.

## Financial Implications

The granting of delegations to the General Manager provides for an opportunity for the services of Council to be delivered in an effective and efficient manner, thus ensuring maximum utilisation of Council's financial resources.

## Consultation/Social Implications

Consultation with the public is not required in this matter as the delegation by the Council to the General Manager is a matter for the elected Council.

Councillors have been briefed in relation to this matter prior to consideration by Council.

Council's delegations are made publicly available under the *Government Information (Public Access) Act, 2009*.

## Environmental Consideration

Nil.

## General Manager's Report (Items Requiring Decision) - GM7/22

**Risk Implications**

<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatments</b>	<b>Proposed Risk Ranking</b>	<b>Within Existing Resources?</b>
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> and/or <i>Local Government (General) Regulation, 2021</i> which may lead to legal, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will implement ineffective delegations which may lead to legal, service delivery, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will delegate no functions which may lead to service delivery implications and reputational damage.	Medium	Adopt the recommendation	Low	Yes

**Options**

The following options are available to Council:

1. Adopt the recommendations as contained within this report; or
2. Adopt the delegations to the General Manager as presented with minor amendments.
3. Resolve not to delegate any functions to the General Manager (this option is not recommended as it would result in significant service delivery implications for Council).

Option one is recommended.

**Conclusions**

Detailed within the recommendation to this report are the proposed delegations to the General Manager of Singleton Council. Endorsing this recommendation will enable the efficient and effective delivery of services to the community on behalf of Council.

**Attachments**

**AT-1** [↓](#) Local Government Act - Delegations - General Manager

**AT-2** [↓](#) Report to Council 15/03/2021 - Review of General Manager Delegations



































**8. Local Government NSW Special Conference 2022****FILE: 21/00043**

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**Executive Summary**

The purpose of this report is to advise that the Local Government NSW Annual Conference will be held at the Hyatt Regency Sydney, from Monday, 28 February 2022 to Wednesday, 2 March 2022.

**RECOMMENDED** that:

1. The Mayor and two Councillors be nominated:
  - a. To attend the Local Government NSW Annual Conference 2022; and
  - b. As voting delegates for the Conference.
2. Council determine the two Councillors to be nominated.
3. Expenses be reimbursed in accordance with Councillors Expenses and Facilities Policy.

**Report**

The Local Government NSW Annual Conference is the main policy making event for the local government sector where issues are debated, and motions put forward for the consideration of delegates.

Singleton Council has been advised that Council has been allocated three (3) voting delegates. The formula for calculating the number of voting delegates is prescribed at Rule 23 of the LGNSW Rules, this formula is based on population.

Each voting delegate appointed by Council is generally entitled to cast one vote only.

Further details about the conference will be published on the LGNSW website as they become available, including details of the Gala Dinner, President's Opening Reception, Conference business sessions, programs and "early bird" pricing.

The full Conference Business Paper will be available on the LGNSW website two weeks prior to the Conference as a digital document which you may download to your device or print a hard copy at your discretion.

Councillors attendance at conferences is subject to budget availability. The 2021/22 budget for Councillors training and professional development is \$26,660.00 of which \$22,263.00 remains available.

After returning from the conference the delegate should provide a written report to Council within two months on the aspects of the conference relevant to Council business and/or the local community.



## General Manager's Report (Items Requiring Decision) - GM8/22

**Risk Implications**

<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatments</b>	<b>Proposed Risk Ranking</b>	<b>Within Existing Resources?</b>
There is a risk to Council that non attendance may lead to reputational damage and a perception of lack of support for Local Government NSW	Low	Adopt the recommendation	Low	Y
There is a risk to Council that non attendance may lead to a loss of opportunity to engage in professional development	Low	Adopt the recommendation	Low	Y

**Options**

The following options are available to Council:

1. Nominate the Mayor and two Councillors to attend the LGNSW Annual Conference.
2. Councillors do not attend the LG NSW Annual Conference.

Option one is recommended.

**Attachments**

There are no attachments for this report

**GM9/22. Matters Approved by General Manager and/or Mayor  
During the Election and Christmas Period****FILE:**  
18/00270/007

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**Executive Summary**

The purpose of this report is to advise Council of decisions made by the General Manager and/or Mayor in the absence of Council Meetings during the period 5 November 2021 to 31 January 2022.

**FOR COUNCIL'S INFORMATION****Report**

Council resolved on 1 November 2021 that:

1. *Subject to the restrictions of section 377 of the Local Government Act, 1993 and section 393B of the Local Government (General) Regulation, 2021, delegated authority be given to the General Manager to exercise and/or perform on behalf of Council all functions for the period 5 November 2021 to 31 January 2022.*
2. *A report detailing any matters determined by the General Manager during this period be provided to the ordinary Council Meeting on 15 February 2022 for information.*

Section 226 of the *Local Government Act, 1993* provides for the Mayor "to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council".

Seven (7) matters were considered under delegation during the period 5 November 2021 to 31 January 2022 as outlined below:

1. Acceptance of kerbside residual waste from Muswellbrook Council as a result of November 2021 emergency flood event (**Attachment 1**).

It was resolved that:

- a) Council accepts Muswellbrook Council's kerbside residual waste while their landfill remains closed due to flooding; and
  - b) Council charges Muswellbrook Council a rate of \$292.92 per tonne for the disposal of their residual waste during the current emergency event.
2. Modification to DA8.2018.301 to amend the operational limitations imposed (**Attachment 2**).

It was resolved that:

- a) DA8.2018.301.2 be determined with the following modifications to conditions 32 and 33 of the Development Consent:

**Condition 32 has been amended and shall read as follows:**

### **32. Operational Management Plan**

The management plan must be updated to reflect the changes in limitation on operations. The plan must be submitted and approved by Council prior to commencement of extended operations.

**Condition 33 has been amended and shall read as follows;**

### **33. Limitation on operation**

The premises shall only operate in accordance with the following days and times:

- Operation allowable only on a maximum of five (5) days of the week
- A maximum of 1 sittings between the hours of 10:00am and 1:00pm per day Monday to Saturday
- A maximum of 2 sittings on Sunday, with the first sitting between the hours of 9:45am till 12:15pm and the second 1:45pm till 4:45pm.
- The maximum number of adult patrons allowed within the premises at any one sitting is restricted to 20 patrons, with a maximum of 80 patrons per week (Monday to Sunday).

3. Minutes of the Local Traffic Committee of 4 November 2021 to endorse temporary parking restrictions on Pitt and Bathurst Street to facilitate pre-poll voting held at the Singleton Youth Venue (**Attachment 3**).

It was resolved that:

- a) Council approves the installation of the temporary parking restrictions on Pitt Street and Bathurst Street as per drawing 'PS21-056 – Pitt St-Bathurst St – Temporary Parking Restrictions'.

4. Minutes of the Local Traffic Committee of 18 November 2021 to endorse multiple items (**Attachment 4**).

It was resolved that:

- a) Council approves the installation of a LOADING ZONE on Wilcox Avenue from the vehicle access to the shopping centre car park extending northwards for a distance of 24.5m as per drawing 'PS21-048 – Wilcox Ave – LOADING ZONE'.
- b) Council endorses the traffic management measures associated with the event as submitted by the Mailrun Charity Bike Ride Committee and approves the event in accordance with these measures.
- c) Council approves the alterations to the parking restrictions on Cambridge Street as per drawing 'PS21-054 – Cambridge Street – Parking Restrictions'.

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- d) Council approves the removal of the existing Children's Crossing on Hunter Street and the installation of a new Children's Crossing approximately 8m west of the existing crossing point as per drawing 'PS21-037 – Hunter Street – Children's Crossing Upgrade'.
  - e) Council approves the removal of the existing NO RIGHT TURN restriction on John Street into Macquarie Street.
  - f) Council approves the installation of parking restrictions on Marcus Place as per drawing 'PS21-057 – Marcus Place – Parking Restrictions'.
5. Minutes of Local Traffic Committee of 22 December 2021 to endorse the Dashville Traffic Management Plan prior to the first event on 31 December 2021 (**Attachment 5**).
- a) Council endorses the 'Dashville Traffic Management Plan May 2021' and approves the installation of the temporary traffic management associated with the larger capacity events (currently the Gum Ball and Skyline) that take place at Dashville, located at 103 Kirkton Road, Singleton, subject to the following conditions:
    - a) As per the Work Health and Safety Act 2011, traffic controllers and marshals must:
      - a. be properly inducted by the Event Organiser
      - b. receive training for their specific work site
      - c. be aware of their responsibilities in emergencies
      - d. be provided with proper personal protective equipment
    - b) The Event Organiser is responsible for ensuring that the traffic control measures set out in the Traffic Guidance Schemes (TGS) (previously Traffic Control Plans) are properly and fully implemented at an appropriate time before the event commences.
    - c) Marshals, or any other person associated with the event, have no legal power to stop, hold, or direct traffic on any public road (unless they hold current accreditation).
    - d) If Traffic Controllers are used, they must hold current traffic controller certification – 'Traffic Controller' (previously blue card)
    - e) Traffic Controllers can only operate in accordance with a TGS that has been authorised by the relevant Roads Authority
    - f) Traffic controllers must display their authorisation when controlling traffic.
    - g) Traffic controllers shall be relieved after two hours work and may be either rested or placed on other duties for a period of at least 15 minutes before being returned to traffic control duties.
    - h) The implementation of TGS's must be undertaken by a person that holds current certification – 'Implement Traffic Control Plans' (previously yellow card)
    - i) Any changes or modifications to the TGS's can only be made by a person that holds appropriate current certification – 'Prepare a Work Zone Traffic Management Plan' (previously red card)
    - j) The sentence "The Traffic Control Plan is to be approved by the Roads and Maritime Service and signed off by Red Floor Productions prior to commencement of the project." under section 6.5 of the TMP is to be removed.
    - k) The event organiser is to ensure that sufficient traffic control personnel are engaged to manage additional traffic at the commencement and conclusion of events that have in excess of 2000 patrons.

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- l) The event organiser is to assess the requirement for the installation of the temporary traffic management measures outlined in the TGS for each event that takes place as patron numbers are finalised.
  - m) The event organiser is to notify Council's Traffic Engineering Officer at least 7 days in advance of any event that will require the installation of the temporary traffic management measures.
6. Minutes of Mount Thorley Warkworth VPA Community Committee Meeting of 22 November 2021 to endorse the allocation of funding for the development of detailed design plans and a cultural heritage survey (**Attachment 6**):
  - a) That the General Manager endorse the allocation of \$25,000 for the engagement of a Landscape architect to provide detailed construction plans of visitor facilities as set in the adopted masterplan and Plan of Management and \$10,000 for an Aboriginal cultural heritage study and investigation of Bulga Stock Reserve to be undertaken.
7. Minutes of United Wambo VPA Community Committee Meeting of 4 November 2021 to endorse the allocation of funding for the development of detailed survey for the main street and for incidental expenditure (**Attachment 7**):
  - a) That the General Manager endorse the allocation of \$30,000 for the detailed survey of the main street and \$5,000 for committee management being meeting venue hire and incidentals.

**Attachments**

- AT-1** [↓](#) Acceptance of Kerbside Waste from Muswellbrook Council
- AT-2** [↓](#) Modification to DA2018.301
- AT-3** [↓](#) Minutes LTC 4 November 2021
- AT-4** [↓](#) Draft Minutes - Local Traffic Committee - 18 November 2021 approved by the Mayor
- AT-5** [↓](#) Minutes - Local Traffic Committee - 23 December 2021
- AT-6** [↓](#) GM Approval - Minutes - Mount Thorley Warkworth VPA Committee - 22/11/2021
- AT-7** [↓](#) GM Approval - Minutes - United Wambo VPA Committee - 04/11/2021

























































































